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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,746	05/24/1999	ROBERT L. STEWART	CIS-1219	9501
21005	7590	04/21/2004		
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER WOO, ISAAC M	
			ART UNIT	PAPER NUMBER
			2172	21

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/317,746	Applicant(s) STEWART ET AL.	
	Examiner Isaac M Woo	Art Unit 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11-14,18,20,21,23 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11-14,18,20,21,23 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Amendments, filed on March 15, 2004 have been considered but they are not persuasive.
2. Claims 11, 23 and 31 are currently amended. And claims 1, 3, 5-9, 11-14, 18, 20, 21, 23 and 27-34 are pending.

Response to Amendment

3. In response to Applicant's Remarks filed on March 15, 2004, the following factual arguments are noted:

Wiggins and/or Hoyer do not disclose or suggest,

"a, the priority value assigning priority value assigned by the managed element dependent upon a user identifier stored in a network management wrapper included in the request, and scheduling the network management request".

"b, authentication group comprising a plurality users, in an authentication table, determining the priority value by extracting user identifier to index the authentication table".

Examiner disagrees, for a, disclosed system of Wiggins is the network monitoring system that includes the user priority system (abstract, col. 3, lines 7-46), and in the

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network monitoring system, every network device is the managed element, therefore, the application service provider is the managed element that provides the user priority data table (310, fig. 7). And Wiggins discloses the procedures based upon the user priority. A user who has higher priority has the procedure priority. This teaches that Wiggins provides the procedure scheduling based on the user priority, see (fig. 7, col. 14, lines 10-64). Thus, Wiggins teaches, the priority value assigning priority value assigned by the managed element dependent upon a user identifier stored in a network management wrapper included in the request, and scheduling the network management request. For b, Wiggins provides the user priority table (310, fig. 7) for individual user and group users and base on user identifier, compares user priority, see (fig. 7, col. 14, lines 10-64). Thus, Wiggins teaches, authentication group comprising a plurality users, in an authentication table, determining the priority value by extracting user identifier to index the authentication table.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5-9, 11-14, 18, 20, 21, 23 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiggins (U.S. Patent No. 5,717,604) in view of Hoyer et al (U.S. Patent No. 6,236,361, Hereinafter, "Hoyer").

With respect to claims 1, 18, 27-29 and 31-32, Wiggins discloses, the method, apparatus and computer program for prioritizing a network management (network monitoring, 2, lines 45-67 to col. 3, lines 1-46) request sent by a management station to a managed element (col. 3, lines 17-46, fig. 7, col. 14, lines 11-64), upon receiving a network management request, (312, fig. 7), assigning a priority value to the received network management request, the priority value assigned by the managed element dependent upon a user identifier in a network management wrapper included in the request (fig. 7, col. 14, lines 11-64), the user identifier identifying the user of an application from which the request was sent, see (col. 3, lines 17-46, col. 14, lines 11-64), scheduling the network management request by the managed element dependent on the assigned priority value, see (fig. 7, col. 14, lines 11-64). Wiggins discloses the assigning priority value, see (col. 14, lines 11-64). Wiggins does not explicitly disclose, the assigning priority value to the "Simple Network Management Protocol message". However, Wiggins discloses the network monitoring, see (col. 5, lines 8-47), SNMP is standard network monitoring protocol. Hoyer discloses, network monitoring protocol is SNMP, see (col. 8, lines 41-58). Therefore, it would have been obvious to a person having ordinary skill in the art the time of the invention was made to include the assigning priority value to the "Simple Network Management Protocol message" in the

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system of the Wiggins to provide network monitoring protocol to transmit network monitoring command to the network devices. Because SNMP (Simple Network Management Protocol) is a standard protocol defined in STD 15, RFC 1157, developed to manage network devices on an IP network. SNMP is not limited to TCP/IP. It can be used to manage and monitor all sorts of equipment including computers, routers, wiring hubs, toasters and jukeboxes.

With respect to claims 3, 20 and 33, Wiggins discloses the adding a priority value to an authentication group comprising user identification, in an authentication table, see (col. 3, lines 17-46).

With respect to claims 5, 21, 23 and 34, Wiggins discloses the extracting a user identification from the network management request; determining the priority value by using the extracted user identification to index the authentication table, see (col. 3, lines 17-46).

With respect to claims 6 and 11, Wiggins discloses the selecting the order of execution of the network management request dependent on the determined priority value, see (col. 12, lines 23-41, col. 13, lines 18-42, FIG. 2, col. 5, lines 31-45, 502, scheduler, FIG. 5).

With respect to claims 7 and 12, Wiggins discloses that preempting the currently executing task if the determined value for the management request is higher than the currently executing task, see (col. 14, lines 11-64).

With respect to claims 8-9 and 13-14, Wiggins discloses the adding a management request to the request queue dependent on priority value, see (col. 14, lines 11-64).

With respect to claims 30, the message is in the form of a Simple Network Management Request is discussed in claims 1, 18, 27-29 and 31-32 above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
April 16, 2004


SHAHID ALAM
PRIMARY EXAMINER